
REMARKS

As noted above, the present application is a Continuation of U.S. Application Serial No. 09/970,096, filed October 2, 2001, the specification of which is incorporated herein by reference.

Claim 7 is amended, claims 9-42 are canceled, and claims 43-76 are added; as a result, claims 1-8 and 43-76 are now pending in this application. During prosecution of the parent application, an office action dated July 25, 2002 (the "office action"), allowed claims 10-42, objected to claim 9 as being allowable if rewritten in independent form, and rejected original independent claim 1 and dependent claims 2 and 3 as being anticipated by Walker (U.S. Patent No. 6,036,298). The Examiner also rejected dependent claims 4-8 as obvious with respect to Walker in view of Taylor et al. (U.S. Patent No. 5,742,303).

Subsequently, in the interest of furthering the prosecution of the parent case, the Applicant placed the objected to subject matter into condition for allowance and canceled those claims which stood rejected. The present preliminary amendment addresses additional allowable subject matter as supported by the specification of the parent case as originally filed.

In the office action of the parent case, the Examiner stated that Walker discloses a calibration system for calibrating an optical sensor in a hardcopy device (fig. 1), comprising a target (fig. 7) having a selected optical property, a removable cover (fig. 3) selectively covering the target, and a cover opening member (104) which selectively removes the cover to expose the target for viewing by the sensor.

Walker appears to describe an optical sensing system for determining the color and location of ink droplet printed by printheads in a print zone of an inkjet printing mechanism. (See Walker, Abstract, lines 1-3). Walker appears to be an optical sensor, but that scans a test pattern printed by the printing mechanism in the print zone of the device. The reference does not appear to describe a removable cover selectively covering the target. Nor does it teach a cover opening member which selectively removes the cover to expose the target for viewing by the optical sensor.

In contrast, by way of example and not by way of limitation, the Applicant's independent claim 1 describes:

a removable cover selectively covering the target; and

a cover opening member which selectively removes the cover to expose the target for viewing by the optical sensor.

Accordingly, Walker does not contain each and every element and limitation of Applicant's independent claim 1. Additionally, the Taylor et al. reference does not cure the deficiencies of the Walker reference. As such, the Applicant believes that independent claim 1 as well as those which depend therefrom, are in condition for allowance. Applicant respectfully requests consideration of the same upon review of the present preliminary amendment.

NEW CLAIMS

Applicant has added new claims 43-76. The claims are added to further illustrate distinguishing features of the present application. Claim 9, which was dependent upon claim 1, was objected to by the Examiner as being allowable if rewritten in independent form. Claim 76 is an independent claim incorporating all of the limitations of claims 1 and 9. Accordingly, Applicant believes that claim 76 is allowable upon this basis.

Claims 43-76 are fully supported by the specification as originally filed, do not introduce any new matter, and are hereby introduced solely for the purpose of exhibiting additional claimable embodiments available for the application as originally filed. Accordingly, Applicant respectfully requests consideration of the new claims upon review of this case.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (360) 212-8052 to facilitate prosecution of this matter.

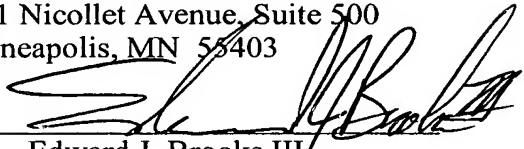
If necessary, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

"EXPRESS MAIL" mailing label no.: EU364299373US
Date of Deposit: October 15, 2003
The undersigned hereby certifies that this paper and/or fee is being deposited via "Express Mail" on the date indicated above with the United States Postal Service pursuant to 37 C.F.R. 1.10, and is addressed to:
MS PATENT APPLICATION, Commissioner for
Patents P.O. BOX 1450, Alexandria, VA 22313-1450

By: 
Name: Sarah L. Reinhard

Respectfully Submitted,
Dan Arquilevich, et al.

By his Representatives,
E.J. BROOKS & ASSOCIATES, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

By: 
Edward J. Brooks III
Reg. No. 40,925

Date: 10/15/2003